

## CHAPTER 1 INTRODUCTION

[Prior to 5/20/87, see Aging, Commission on the[20] Ch 1]

**321—1.1(231) Basis and purpose of the rules.** The rules of Iowa department of elder affairs are based on the authority of Iowa Code chapter 231. These rules prescribe requirements which agencies shall meet to receive grants under the Older Americans Act and other funds administered through the Iowa department of elder affairs.

**321—1.2(231) Applicability of other regulations and order of precedence.**

**1.2(1) *Basis of the rules in order of precedence.*** These rules are based on the following federal and state regulations, listed in order of precedence, which will prevail in the event of conflicting or inconsistent requirements:

- a. Older Americans Act of 1965, as amended.
- b. Code of Federal Regulations, 5 CFR 900, subpart F, August 14, 1979, 7 CFR 250, January 9, 1985, 28 CFR 89, March 2, 1976, 45 CFR Parts 74, June 7, 1981, 80, December 4, 1964, 81, November 7, 1971, 84, May 4, 1977, 90, June 12, 1979, and 1321, April 1, 1985.
- c. Administration on aging policy issuances and administration on aging program instructions.
- d. Iowa Code chapter 231, department of elder affairs, and other Iowa Code chapters.
- e. Iowa Administrative Code, Elder Affairs, Department of[321].
- f. Iowa aging directives signed by the executive director.

**1.2(2) *Applicability to various groups.*** The rules set forth herein apply to all grants awarded to any recipient through the department. Compliance with these administrative rules shall be mandatory, unless an exception is granted in accordance with the procedure in subrule 1.2(3).

**1.2(3) *Exceptions.*** Exceptions to the department's rules may be granted in individual cases upon the executive director's own initiative or upon request.

- a. Procedures for requests.
  - (1) Requests for exceptions must be submitted in writing to the Executive Director, Iowa Department of Elder Affairs, Clemens Building, 200 Tenth Street, Des Moines, Iowa 50309-3609.
  - (2) A request for an exception should include the following information where applicable:
    1. The name and address of the person or entity for whom an exception is being requested and the person requesting the exception, if different from the person or entity for whom an exception is being requested.
    2. The specific rule to which an exception is requested or the substance thereof.
    3. The specific exception requested.
    4. Facts relevant to the factors listed in paragraph 1.2(3)"b."
    5. A history of the department's action on the case.
    6. Any information known to the requester on the department's treatment of similar cases.
    7. Requests for exceptions shall be acknowledged within 5 working days and shall be responded to in writing within 60 days of receipt of the request.
  - b. Policy. Exceptions are granted at the complete discretion of the executive director after consideration of all relevant factors, including but not limited to the following:
    - (1) Whether there are exceptional circumstances justifying an exception to the general subrule 1.2(2).

- (2) Whether granting the exception would result in net savings to the state or promote efficiency in the administration of programs or service delivery. Net savings or efficiency will make an exception more likely.
- (3) The cost of the exception to the state and the availability of funds in the department's budget.
- (4) Whether granting the exception would be in the public interest.
- c. The executive director's denial of a request for exception constitutes final agency action.

**321—1.3 to 1.6** Reserved.

**321—1.7(231) Definitions.** Unless otherwise prescribed by federal and state regulations, the terms used in these rules shall have the following meanings:

*"AAA administration cost"* means all direct and indirect costs incurred by the grantee in managing a grant, including all audit and policy board expenses incurred in the support of an AAA director.

*"Abuse"* (OAA) means the willful: (1) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or (2) deprivation by a person, including a caregiver, of goods and services that are necessary to avoid physical harm, mental anguish, or mental illness.

*"Access/care coordination"* (NAPIS) means responsibilities such as outreach, screening, assessment, case management, information and referral.

*"Accessible"* means without physical, cultural, financial, psychological barriers to service.

*"Act"* or *"OAA"* or *"Federal Act"* means the Older Americans Act of 1965, 42 U.S.C. subsection 3001 et seq., as amended to and including February 1, 1986.

*"Activities of daily living"* means those activities that reflect an individual's ability to perform tasks that are essential for self-care, including but not limited to: eating, dressing, bathing, toileting, and transferring in and out of bed.

*"Administration"* (NAPIS) means responsibilities such as bidding, contract negotiation, reporting, reimbursement, accounting, auditing, monitoring, and quality assurance.

*"Administration on Aging"* or *"AOA"* means the federal agency established to administer the provisions of the Act.

*"Administrative action"* (LTCRAP) means an action or decision made by an owner, employee, or agent of a long-term care facility, or by a governmental agency, which affects the service provided to residents of long-term care facilities.

*"Adult day care/adult day health"* (NAPIS) means provision of personal care for dependent adults in a supervised, protective, congregate setting during some portion of a 24-hour day. Services offered in conjunction with adult day care/adult day health typically include social and recreational activities, training, counseling, meals for adult day care and services such as rehabilitation, medications assistance, and home health aide services for adult day health.

*"Advocacy"* (NASUA) means action taken on behalf of an older person to secure rights or benefits and includes receiving, investigating, and working to resolve disputes or complaints. Advocacy does not include services provided by an attorney or person under the supervision of an attorney.

*"Advocacy"* (RICEP) means an action which promotes the employment of eligible workers.

*"Agency executive/management staff"* (NAPIS) means personnel such as the state unit on aging (SUA) director, deputy directors, directors of key divisions and other positions which provide overall leadership and direction for the state agency.

*“Aggrieved party”* means an individual or organization that alleges that their rights have been denied by the department, AAA or AAA subcontractor action.

*“Applicant”* (RICEP) means an eligible person making a contact with the RICEP program to seek employment.

*“Applicant recruitment”* (RICEP) means contact by the older worker specialist with individuals, agencies, organizations or private businesses to provide information that will result in increased participation of eligible older individuals.

*“AAA”* or *“area agency on aging”* or *“area agency”* means the grantee agency designated by the commission in a planning and service area to develop and administer the multiyear area plan for a comprehensive and coordinated system of services for elders and to carry out the duties specified in Iowa Code chapter 231.

*“Assessment of job skills”* (RICEP) means a process by which the older worker specialist develops a written history of the work experience and related qualities an individual possesses that would make the individual marketable as an employee.

*“Assisted transportation”* (NAPIS) means the provision of assistance, including escort, to a person who has difficulties (physical or cognitive) using regular vehicular transportation (See *“Transportation”*).

*“Authorized position”* (SCSEP) means an enrollment opportunity during a program year allocated by the department.

*“Carryover”* means the amount of funds which are not expended or obligated for goods or services or both by the last day of the previous budget fiscal year.

*“Case management”* (NAPIS) means the case management program for the frail elderly as defined in 321—Chapter 21 which provides assistance either in the form of access to or care coordination in circumstances where the older persons or their caregivers are experiencing diminished functioning capacities, personal conditions or other characteristics which require the provision of services by formal service providers. Activities of case management include assessing needs, developing care plans, authorizing services, arranging services, coordinating the provision of services among providers, follow-up and reassessment, as required.

*“Catered meal”* means a meal which is partially or wholly prepared, for a fee, by a provider with whom the AAA has a contract for the service.

*“Certification form”* (SCSEP) means an application for services.

*“Chore”* (NAPIS) means providing assistance to persons having difficulty with one or more of the following instrumental activities of daily living (IADL): heavy housework, yard work, or sidewalk maintenance.

*“Commission”* means the policy board of the department of elder affairs.

*“Community-based adult services”* means a coordinated, multilevel social and health care delivery system which ensures the functionally dependent eligible elder the most appropriate level of care and supportive services in order to live as independently and in the least restrictive setting as possible.

*“Community-based adult services committee”* or *“CBAS committee”* means the group consisting of representatives appointed by the departments of elder affairs, human services, inspections and appeals, and public health; health policy corporation of Iowa, Iowa Foundation for Medical Care, Iowa association of area agencies on aging, and Iowa state association of counties.

*“Community focal point”* means a place or mobile unit in a community or neighborhood designated by the AAA for the collocation and coordination of service delivery to elders.

*“Complaint”* (LTCRAP) means a report of an alleged violation of requirements of federal and state laws or regulations, or report of practices and procedures related to admission or an individual’s entitlement to care and services under federal and state laws and regulations.

*“Comprehensive and coordinated system”* means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:

1. Facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by the system by any public or private agency or organization.
2. Develop and make the most efficient use of supportive services and nutrition services in meeting the needs of elders with a minimum of duplication.

*“Congregate meals”* (NAPIS) means provision, to an eligible client or other eligible participant at a nutrition site, senior center or some other congregate setting, a meal which: (1) complies with the Dietary Guidelines for Americans (published by the Secretaries of the Department of Health and Human Services and the United States Department of Agriculture); (2) provides, if one meal is served, a minimum of 33 1/3 percent of the current daily Recommended Dietary Allowances (RDA) as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences; (3) provides, if two meals are served, together, a minimum of 66 2/3 percent of the current daily RDA, although there is no requirement regarding the percentage of the current daily RDA which an individual meal must provide, a second meal shall be balanced and proportional in calories and nutrients, and (4) provides, if three meals are served, together, 100 percent of the current daily RDA, although there is no requirement regarding the percentage of the current RDA which an individual meal must provide, second and third meals shall be balanced and proportional in calories and nutrients.

*“Congregate nutrition site”* or *“congregate meal site”* or *“meal site”* or *“site”* means any location other than a primary place of residence where meals and other nutrition services are provided in a group setting in whole or in part, with AOA federal nutrition funds or contributions from an AOA nutrition program, or both.

*“Continuum of care”* means a full range of economic, physical, psychological, social and support programs and services necessary to maintain or restore elders to their optimal environment.

*“Contract”* means an agreement between two or more persons, companies, firms, associations, or other legal entities which creates an obligation to do or not to do a particular thing. Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement and mutuality of obligation.

*“Contract eldercare”* means employer-initiated and supported benefits for employees who have care giving responsibilities for elderly, disabled or frail family members. These benefits may include such services as information and referral and service planning and coordination.

*“Contractually linked”* (NAPIS) means the inclusion of obligated expenditures from whatever source into a written contract such that their exclusion would constitute a breach of contract terms.

*“Department of elder affairs”* or *“department”* means the sole state agency responsible for administration of the Older Americans Act and Iowa Code chapter 231.

*“Development”* (NAPIS) means responsibilities such as public education, resource development, training and education, research and development and legislative activities.

*“Dietitian.”* See licensed dietitian.

*“Disability”* (OAA) means (except when such term is used in the phrase “severe disability,” “developmental disabilities,” “physical and mental disability,” “physical and mental disabilities,” or “physical disabilities”) a disability attributable to mental or physical impairment, or a combination of mental or physical impairments, that results in substantial functional limitations in one or more of the following areas of major life activity: (1) self-care, (2) receptive and expressive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, (7) economic self-sufficiency, (8) cognitive functioning, and (9) emotional adjustment.

*“Educational services”* (RICEP) means adult education or training provided by community colleges and similar institutions.

*“Elder”* or *“older individual”* means an individual who is 60 years of age or older.

*“Eligible individual”* (ES) means any person aged 60 or older and the spouse of the person 60 or older regardless of the age of the spouse.

*“Eligible individual”* (Title III) means any person aged 60 or older and the spouse of the person 60 or older regardless of the age of the spouse.

*“Eligible individual”* (SCSEP) means a person who is 55 years of age or older who meets income guidelines published by the United States Department of Labor.

*“Employment service”* (RICEP) means activities in the client’s behalf that may be, but are not limited to, an assessment of job skills, referrals for training in job search techniques, referrals to educational institutions, referrals to job interviews, or supportive services that will enable the person to find employment.

*“Enrollee”* (SCSEP) means an eligible individual who receives services, and is paid wages for engaging in community service employment under a project.

*“Equipment”* means any tangible personal property having a single acquisition cost of \$500 or more and a useful life greater than one year.

*“Equitable distribution”* (SCSEP) means the ratio of the total authorized positions operated by the department and national sponsors compared to the number of authorized positions established on the basis of the eligible population.

*“Equivalent support”* means in-kind contribution of services, goods, volunteer support, or other support reasonably determined by the department as equivalent to a dollar amount.

*“Executive director”* means the director of the Iowa department of elder affairs.

*“Fiscal year”* or *“FY”* means the state fiscal year, July 1 through June 30, numbered according to the year in which the fiscal year ends.

*“Focal point”* means a community facility established to encourage the maximum collocation and coordination of services for older individuals.

*“Frail”* (AOA Title III-D) means having a physical or mental disability, including Alzheimer’s disease or a related disorder with neurological or organic brain dysfunction that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

*“Full-time employment”* (RICEP) means paid employment for 40 hours per week or the number of hours customarily considered full-time for that occupation, but at a minimum, 30 hours per week.

*“Functionally impaired”* or *“disabled”* or *“handicapped”* means any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities (e.g., caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);

2. Has a record of such an impairment (has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities); or

3. Is regarded as having such an impairment.

*“Grantee”* means the legal entity to which a grant is awarded and which is accountable to the department for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the award document. The term “grantee” does not include any secondary recipients such as subgrantees or contractors, who may receive funds from a grantee pursuant to a grant.

*“Greatest economic need”* (OAA) means the need resulting from an annual income level at or below the official poverty guideline as defined by the Office of Management and Budget and adjusted by the Secretary (DHHS).

*“Greatest social need”* means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual’s ability to perform normal daily tasks or which threatens the elder’s capacity to live independently.

*“Grievance”* (LTCRAP) means a report of an administrative action alleged to affect residents in an adverse manner.

*“Handicapped.”* See functionally impaired.

*“Home-delivered meals”* (NAPIS) means provision, to an eligible client or other eligible participant at the client’s place of residence, a meal which: (1) complies with the Dietary Guidelines for Americans (published by the Department of Health and Human Services and the United States Department of Agriculture); (2) provides, if one meal is served, a minimum of 33 1/3 percent of the current daily Recommended Dietary Allowances (RDA) as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences; (3) provides, if two meals are served, together, a minimum of 66 2/3 percent of the current daily RDA; although there is no requirement regarding the percentage of the current RDA which an individual meal must provide, a second meal shall be balanced and proportional in calories and nutrients; and (4) provides, if three meals are served, together, 100 percent of the current daily RDA, although there is no requirement regarding the percentage of the current daily RDA which an individual meal must provide, second and third meals shall be balanced and proportional in calories and nutrients.

*“Homemaker”* (NAPIS) means assistance to persons having difficulty with one or more of the following instrumental activities of daily living (IADL): preparing meals, shopping for personal items, managing money, using the telephone, or doing light housework.

*“Host agency”* (SCSEP) means a public agency or private nonprofit organization, other than a political party, exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, which provides a worksite and supervision for an enrollee.

*“Information and assistance (I&A)”* (NAPIS) means a service for older individuals that (1) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology; (2) assesses the problems and capacities of the individuals; (3) links the individuals to the opportunities and services that are available; (4) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate follow-up procedures.

*“In-home service”* means service delivered in the home to an elder that includes, but is not limited to, homemaker and home health aide service, visiting, telephone reassurance, chore maintenance, in-home respite care, adult day care, and minor modification of a home that is necessary to facilitate the ability of older individuals to remain at home.

*“Instrumental activities of daily living (IADL)”* means those activities that reflect an individual’s ability to perform household and other tasks needed to meet the individual’s needs within the community, including but not limited to: preparing meals, shopping for personal items, managing money, using telephone, doing heavy housework, doing light housework.

*“Interdepartmental coordinating committee (IDCC)”* (JTPA) means the group consisting of representatives from the department of economic development, job service division of the department of employment services, the department of education and the department of elder affairs who are appointed by each agency to assist with functions defined in the federal Act and these rules.

*“Job contact”* (RICEP) means a unit of service consisting of an application completed by a client and received by the older worker specialist.

*“Job development”* (RICEP) means contact by the older worker specialist with potential employers to encourage the employment of eligible individuals.

*“Job placement”* (RICEP) means employment obtained by an eligible participant as a result of RICEP assistance, which is documented in the program operator’s files and may be defined further as permanent, temporary, part-time or full-time.

*“Job referral”* (RICEP) means a written notice presented to an eligible applicant by the older worker specialist to report for a prearranged interview for employment.

*“Job search technique”* or *“job search assistance”* (RICEP) means the methods used by the older worker specialists to find jobs for eligible participants.

*“Job Training Partnership Act, elder employment services”* (JTPA) means services available to eligible individuals under the older individuals program of the JTPA.

*“Joint annual plan”* (JTPA) means an agreement to share information, conduct joint actions and coordinate services.

*“Joint annual report”* (JTPA) means the document prepared by the interdepartmental coordinating committee (IDCC) which describes job coordination activity and services provided to the elders of Iowa.

*“Legal assistance”* (NAPIS) means provision of legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney.

*“Licensed diettitian”* means an individual who maintains a license granted by the Iowa board of dietetic examiners.

*“Living alone”* (NAPIS) means a one-person household (using the census definition of household) where the householder lives alone in an owned or rented place of residence in a noninstitutional setting, including assisted living units.

*“Local match”* means the equivalent cash value of third-party in-kind contributions and cash resources, or both, made available by local sources (e.g., local public funds, other local cash, and program income) representing that portion of the costs of a grant-supported project or program not borne by the department.

*“Local public funds”* means tax-related funds from local taxing bodies (e.g., county boards of supervisors, city councils, area community colleges).

*“Long-term care facility”* means a long-term care unit of a hospital, a licensed hospice program, a foster group home, a group living arrangement, or a facility licensed under Iowa Code section 135C.1 whether the facility is public or private.

*“Long-term care resident’s advocate/ombudsman program”* (LTCRAP) means the statewide long-term care ombudsman program operated by the department of elder affairs pursuant to the federal Act and Iowa Code chapter 231.

*“Low income”* (SCSEP) means any person or persons whose actual individual or family income is less than 125 percent of the poverty guidelines issued annually by the U.S. Department of Labor in accordance with Section 507(2) of the Older Americans Act.

*“Low income”* (Title III) means any person or persons whose income is below the official poverty guideline as defined by the Office of Management and Budget and adjusted by the Secretary (DHHS) in accordance with Section 673(2).

*“Match”* means the equivalent cash value of third-party in-kind contributions and cash resources or both, representing that portion of the costs of a grant-supported project or program not borne by the department.

*“Minority”* means persons who identify themselves according to the racial or ethnic categories of Asian, Black, Hispanic, American Indian, Pacific Islander, or Alaskan native and includes persons who speak a language other than English as a first language.

*“Minority provider”* (NAPIS) means a business concern that: (1) is at least 51 percent owned by one or more individuals who are either African American, Hispanic origin, American Indian/Native Alaskan/Native Hawaiian, Asian American/Pacific Islander minority or a publicly owned business having at least 51 percent of its stock owned by one or more minority individuals and (2) has its management and daily business controlled by one or more minority individuals.

*“Modified meals”* (NAPIS) means meals served which were either low-fat, low-sodium, controlled-calorie or soft-diet.

*“Multipurpose senior center”* (OAA) means a community facility for the organization and provision of a broad spectrum of services, which shall include, but not be limited to, provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

*“National Aging Program Information System”* (NAPIS) means the data collection and assimilating processes leading to preparation of the annual uniform State Performance Report (SPR) for Title III and Title VII of the Older Americans Act (excluding the Long-Term Care Ombudsman program).

*“National Ombudsman Reporting System”* (NORS) means the state uniform reporting system required for the Office of the Long-Term Care Ombudsman in the Older Americans Act.

*“National sponsor”* (SCSEP) means the American Association of Retired Persons, Green Thumb, Inc., the National Council of Senior Citizens or any other national organization which is allocated positions by the United States Department of Labor.

*“Neglect”* (OAA) means: (1) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or (2) the failure of a caregiver to provide the goods or services.

*“New persons served”* (NAPIS) means any client who has never been previously registered as a client for the service, either in the current fiscal year or a prior fiscal year by any provider funded with Older Americans Act funds.

*“Noncash”* means the fair market value of all third-party in-kind resources such as donated equipment, space, supplies, or services of individuals.

*“Nonprofit contracts”* means contracts between an AAA and an entity designated as a nonprofit provider. See “public or private nonprofit service provider.”

*“Number of persons served at high nutritional risk”* (NAPIS) means the unduplicated number receiving a score of 6 or higher on the Nutrition Risk Assessment. Only the clients provided home-delivered meals, case management, congregate meals and nutrition counseling are included in this count.

*“Nutrition counseling”* means the provision of one-on-one advice and guidance to individuals who are at nutritional risk because of their nutritional history, current dietary intake, medications use or chronic illness, about options and methods for improving their nutritional status, provided by a registered licensed dietitian or other health professional functioning within the legal scope of practice.

*“Nutrition education”* means a service or program to promote better health by providing accurate and culturally sensitive nutritional, physical fitness, or health (as it relates to nutrition) information and instruction to participants and caregivers in a group or individual setting overseen by a dietitian if the nutrition education provides medically oriented information.

*“Nutrition services”* means meals, outreach, and nutrition education and other nutrition-related services.



*“Older Americans Act”* or *“OAA,”* see Act.

*“Older worker specialist”* (RICEP) means a person employed by the RICEP operator whose responsibility it is to develop jobs, advocate for the employment of eligible individuals and provide employment services for eligible individuals.

*“Other local cash”* means funds from charitable organizations (e.g., United Way and private foundations) and donations from individuals (e.g., gifts and bequests).

*“Outreach”* (NAPIS) means interventions initiated by an agency or organization for the purpose of identifying potential clients and encouraging their use of existing services and benefits.

*“Participant support referral”* (RICEP) means a notification to the eligible individual by the older worker specialist of supportive services that are available to an eligible participant from an organization other than the job service division of the department of employment services.

*“Part-time employment”* (RICEP) means employment in which an eligible worker is regularly scheduled to work less than 30 hours per week.

*“Permanent placement”* (RICEP) means employment that exceeds 90 calendar days per year whether the position is part-time or full-time.

*“Personal care”* (NAPIS) means providing hands-on assistance, standby assistance, supervision or cues for persons having difficulties with one or more of the following activities of daily living: eating, dressing, bathing, toileting, and transferring in and out of bed.

*“Physical examination”* (SCSEP) means a medical examination performed by a physician or a medical professional under the supervision of a physician, to determine if the enrollee is capable of fulfilling the duties of a work assignment.

*“Physical examination waiver”* (SCSEP) means a signed statement by an enrollee or applicant which verifies that the enrollee or applicant was offered the opportunity to take a physical examination, but refused to take it.

*“Planning”* (NAPIS) means responsibilities such as needs assessment, plan development, budgeting/resource analysis, inventory, standards development and policy analysis.

*“Planning and service area”* or *“PSA”* means a geographic area of the state that is designated by the commission for purposes of planning, development, delivery and overall administration of services under a multiyear area plan.

*“Program cost”* means a cost incurred by the AAA in managing and delivering services, including salary, fringe, travel, training, personnel costs, equipment, supplies, and nonpersonnel expenses of service delivery.

*“Program income”* or *“project income”* or *“contributions”* means grant-related income or gross income earned by a grantee or its subcontractors from activities, part or all of the cost of which is borne as a direct cost by a grant, or counted as a direct cost toward meeting a cost-sharing or matching requirement of a grant, such as fees or participant contributions for services performed during the grant or subgrant period, proceeds from the sale of tangible property, usage or rental fees, and patent or copyright royalties.

*“Program operator”* (RICEP) means the agency designated by the department to operate the RICEP program for a designated demographic area.

*“Provider”* means any person, company, firm, association, or other legal entity under contract pursuant to this chapter.

*“Public or private nonprofit service provider”* means any government agency or private organization certified to be nonprofit by the U.S. Internal Revenue Service or an agency which was established pursuant to Iowa Code chapter 28E or chapter 473A and is composed solely of public agencies or governmental units as defined in those chapters.

*“Quarterly progress report”* (SCSEP) means the report on enrollee activity and characteristics submitted to the Department of Labor from information gathered from the subprojects at the end of every three-month period during the fiscal year.

*“Region VII”* means the states of Iowa, Kansas, Missouri, and Nebraska.

*“Representative payee”* (OAA) means a person who is appointed by a governmental entity to receive, on behalf of an individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

*“Resident”* (LTCRAP) means any person residing in a long-term care facility and shall also include individuals seeking admission to a long-term care facility.

*“Respite care”* (NAPIS) means service which offers temporary, substitute supports or living arrangements for older persons in order to provide a brief period of relief or rest for family members or other caregivers.

*“Retired Iowan”* (RICEP) means an unemployed or underemployed individual aged 45 or older who is a resident of Iowa.

*“Retired Iowans community employment program”* (RICEP). See 321—Chapter 11.

*“Rural population”* (Census) means the rural population of Iowa comprised of all persons living within an incorporated place that has a population of 2,499 or less, or on farms.

*“Satellite meal”* means a meal which is partially or wholly prepared in an AAA kitchen and transported to a congregate meal site to be served.

*“Senior community service employment program”* (SCSEP). See 321—Chapter 10.

*“Service delivery”* (NAPIS) means those activities associated with the direct provision of a service which meets the needs of an individual older person or caregiver.

*“Services”* means the services described in the “Uniform Definitions of Services” issued by the department.

*“Severe disability”* means a severe chronic condition attributable to mental or physical impairment of an individual that:

1. Is likely to continue indefinitely; and
2. Results in substantial functional limitation in three or more of the following major life activities:

- Self-care.
- Receptive and expressive language.
- Learning.
- Mobility.
- Self-direction.
- Capacity for independent living.
- Economic self-sufficiency.

*“State job training coordinating council”* (SJTCC) means the body, appointed by the governor, which provides direct oversight of the administration of the Job Training Partnership Act, and assists with coordination of employment programs for other eligible clients.

*“Subproject sponsor”* (SCSEP) means an organization which has entered into a subproject agreement or contract with a project sponsor.

*“Subsidized employment”* (RICEP) means employment in the senior community services employment program as an enrollee.

*“Supportive services”* (RICEP) means services that eligible workers may need to enable them to start work or to maintain themselves until they find employment. Support services may be provided by the area agency on aging or other agencies, and may include, but not be limited to, food stamps, funds for transportation, or equipment.

*“Temporary placement”* (RICEP) means employment that does not exceed 90 days in one calendar year.

*“Temporary position”* (SCSEP) means the authorized positions which exceed the number allocated by the Department of Labor.

*“Termination”* (SCSEP) means a separation from the program.

*“Third-party in-kind contributions”* means property or services which benefit a grant-supported project or program and which are contributed by nonfederal third parties without a charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant.

*“Title III”* means Title III of the federal Act for grants to state and community programs on aging.

*“Title III-B”* means Title III, part B, of the federal Act for supportive services.

*“Title III-C”* means Title III, part C, of the federal Act for nutrition services.

*“Title III-C(1)”* means Title III, part C, subpart 1, of the federal Act for congregate nutrition services.

*“Title III-C(2)”* means Title III, part C, subpart 2, of the federal Act for home-delivered nutrition services.

*“Title III-D”* means Title III, part D, of the federal Act for frail elderly services.

*“Title III-G”* means Title III, part G, of the federal Older Americans Act for prevention of adult abuse, neglect and exploitation.

*“Title V”* means Title V of the federal Act for employment of low-income persons aged 55 and older.

*“Total number of service units”* (NAPIS) means a sum of the contractually linked service units provided by all providers to all clients, even if the Older Americans Act (OAA) funding and related match funds are not the exclusive source of funding for the provider. If there are multiple service providers for a service, the total is a sum of the service units provided by all providers to all clients. Only the congregate and home-delivered meals eligible for USDA reimbursement are included in the total service units for meals.

*“Total persons served”* (NAPIS) means the unduplicated count of persons served. The total includes all persons served during the course of the year, regardless of how many service units they receive. This information should be based on client registration.

*“Transportation”* (NAPIS) is the provision of a means of transportation for a person who requires help in going from one location to another, using a vehicle. It does not include any other activity (see “Assisted transportation”).

*“Unit of general purpose local government”* means a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions.

*“Unsubsidized employment”* (RICEP) means employment of the eligible individual by any entity other than senior community service employment program as an enrollee.

*“Unsubsidized employment”* (SCSEP) means a position where wages, fringes and other expenses for a terminated enrollee are not paid with SCSEP funds.

*“Urban area”* (NAPIS) means any geographic area within an incorporated place that has a population of 2,500 or more.

*“Vendor”* means a person or organization responsible for providing generally required goods or services related to the administrative support of the federal assistance program. Distinguishing characteristics of a vendor include such items as providing the goods or services within normal business operations, providing similar goods or services to many different purchasers, operating in a competitive environment, and not having responsibility for adherence to program compliance requirements.

“*Well elderly clinic*” means a service designed for the purpose of promoting the health of older adults by conducting health assessments and teaching clients about ways to maintain, restore and improve their health as older adults and provide information about community health care services and resources, including referral to appropriate resources for assistance.

“*Worksite*” (SCSEP) means the actual location where enrollees perform their duties.

These rules are intended to implement Iowa Code chapter 231.

[Filed 5/20/82, Notice 3/17/82—published 6/9/82, effective 7/14/82]

[Filed 7/10/86, Notice 5/7/86—published 7/30/86, effective 9/3/86]

[Filed 5/1/87, Notice 2/25/87—published 5/20/87, effective 6/24/87]\*

[Filed emergency 8/20/87—published 9/9/87, effective 9/2/87]

[Filed 4/26/90, Notice 2/21/90—published 5/16/90, effective 6/20/90]

[Filed 2/1/91, Notice 11/28/90—published 2/20/91, effective 3/27/91]◇

[Filed 12/6/91, Notice 6/12/91—published 12/25/91, effective 1/29/92]

[Filed 4/3/92, Notice 2/5/92—published 4/29/92, effective 6/3/92]

[Filed 6/26/92, Notice 4/1/92—published 7/22/92, effective 8/26/92]

[Filed 11/5/93, Notice 9/15/93—published 11/24/93, effective 12/29/93]

[Filed 11/3/95, Notice 8/16/95—published 11/22/95, effective 12/27/95]

[Filed emergency 10/15/97 after Notice 9/10/97—published 11/5/97, effective 11/5/97]

\*Effective date of Ch 1 delayed 70 days by the Administrative Rules Review Committee.

◇Two ARCs